COY BROWN

IBLA 89-36 Decided August 13, 1990

Appeal from a decision of the Anchorage District Office, Bureau of Land Management, dismissing a protest of issuance of access trail right-of-way AA-56698.

Affirmed.

1. Federal Land Policy and Management Act of 1976: Rights- of-Way--Rights-of-Way: Applications--Rights-of-Way: Federal Land Policy and Management Act of 1976

   Under FLPMA, the Secretary of the Interior has discretionary authority to grant rights-of-way. A Bureau of Land Management decision approving a trail right- of-way application filed pursuant to sec. 501(a) of FLPMA, 43 U.S.C. § 1761(a) (1982), will be affirmed when the record shows the decision to be based upon a reasoned analysis of the factors involved; made with due regard for the public interest; and no reason for disturbing the decision is shown.

2. Environmental Policy Act--Environmental Quality: Environmental Statements--Federal Land Policy and Management Act of 1976: Rights-of-Way--National Environmental Policy Act of 1969: Environmental Statements--Rights- of-Way: Federal Land Policy and Management Act of 1976

   A FONSI will be affirmed if the record supports a conclusion that all relevant areas of environmental concern were identified and carefully reviewed, and that the final determination of no significant impact is reasonable in light of the environmental analysis. A party challenging a FONSI determination must show that it was premised on a clear error of law or demonstrable error of fact, or that the analysis failed to consider a substantial environmental question of material significance to the proposed action. The ultimate burden of proof is on the challenging party. Such burden must be established by objective proof. Mere expressions of a difference of opinion provide no basis for reversal.

APPEARANCES: Coy Brown, Slana, Alaska, pro se; James R. Mothershead, Esq., Office of the Regional Solicitor, U.S. Department of the Interior, Anchorage, Alaska, for the Bureau of Land Management.

OPINION BY ADMINISTRATIVE JUDGE MULLEN

Coy Brown has appealed from an August 22, 1988, decision of the Anchorage District Office, Bureau of Land Management (BLM), dismissing his protest of the issuance of right-of-way AA-56698 to Michael H. Logan.

On September 20, 1985, Logan submitted a right-of-way application for a 5-foot-wide, 4,400-foot-long access trail across public land in secs. 25 and 36, T. 12 N., R. 9 E., Copper River Meridian, North Slana settlement block, Alaska, to his homesite claim in sec. 36. He proposed to construct, operate, and maintain the trail to his homesite, with year-round foot and bicycle access, winter snowmobile access, and possible future ATV (three-wheeler) use. Logan stated in his application that he would use the trail for hauling and freighting only in the winter. Portions of his proposed route crossed other homesite claims, and Logan either submitted statements by the affected claimants that they did not object to the proposed right-of-way across their claims, or amended the route to avoid conflicts. 1/

BLM conducted a field examination of the site of the proposed right- of-way in June 1986. In July 1986, Logan suggested several restrictions on the use of the right-of-way, including: (1) no motorized vehicle traffic except on adequate snowpack (defined as 6-inch minimum packed snow); (2) no motorized vehicle traffic from April 15 to October 15; (3) no motorized vehicle traffic when the ambient temperature is above 20 degrees Fahrenheit; (4) gross vehicle and combined vehicle/trailer load weight limits; (5) vehicle wheelbase limit of 44 inches; (6) the route would not be used for through traffic; and (7) width of the right-of-way would not exceed 5 feet, except at two 7-foot-wide turns.

On July 28, 1987, BLM evaluated the proposed right-of-way pursuant to section 810 of the Alaska National Interest Lands Conservation Act (ANILCA), 16 U.S.C. § 3120 (1982), to determine its effect on the subsistence uses and needs for the land. BLM concluded that the proposed access would not significantly restrict subsistence uses and, in fact, might slightly increase the caribou and moose harvest by local subsistence users.

BLM assessed the environmental impacts of granting the proposed right- of-way, and prepared a land report, dated August 10, 1987. The report set out three alternatives, including the no-action alternative. The first alternative was the proposed right-of-way, subject to the restrictions proposed by Logan. BLM described the proposed action as requiring minimal surface disturbance, requiring only the removal of a minor quantity of small spruce trees. The report noted that the proposed route took

1/ Brown originally gave Logan permission to cross his lands, but withdrew that permission on Apr. 27, 1987.

advantage of gentle rises in topography and followed a natural bench to the homesite, and indicated that it would provide an easy and safe means for transporting materials.

The second alternative, Alternative A, envisioned Logan's continuing his current winter use of the Suslositna Creek frozen water column as the means of access to his trading and manufacturing (T&M) site. In order to reach his homesite from that point, he would be required to construct either a trail with switchbacks, or an aerial tram to transport supplies up a steep hill (up to 28 percent slope). The construction of either the trail or the tram would entail surface disturbance and special engineering. BLM indicated that Logan had neither the expertise nor the financial means to accomplish this alternative.

The third alternative was the no-action alternative, i.e., denying the application and maintaining the status quo. BLM explained that if access were denied, Logan's access would be limited to the winter months when the State-owned water column of the Suslositna Creek was frozen. This alternative would effectively limit him to casual use by foot, and preclude upslope transportation of goods, supplies, and building materials. BLM rejected this alternative because it did not permit full legal or physical access to Logan's homesite claim.

Addressing the environmental consequences of the proposed trail, BLM noted that no surface disturbance was planned, and that the impact would be limited to the vegetative mat, the forest understory, some small spruce, and two stream crossings. BLM recognized that the water quality of the two small streams was excellent, and indicated the size by noting that they could easily be jumped across.

BLM next compared the environmental consequences for the proposed trail and Alternative A. For the proposed trail it stated, in summary:

> Since no surface disturbance is proposed there should be no impacts to the vegetative mat during winter snowmachine/3-wheeler use. If the snow pack is marginal some tearing or breaking of the vegetative mat could occur. However, there will undoubtedly be some stem breakage of the understory shrubs above the snow pack. There should be no impact to the streams when they are frozen in winter. Continued use over time by both snowmachine/ATV and foot/bicycle traffic will cause a visible trail. The route that was chosen is along a natural bench. This bench area is well drained and was chosen because it is primarily void of permafrost.

(Land Report at 2).

Discussing the impacts of Alternative A, BLM indicated that the effect on the frozen water column and existing trail to the T&M site would be negligible. BLM noted, however, that construction of the tram or trail with switchbacks would disturb the surface of the land, affect the vegetative

mat, and create visible structures and construction scars. BLM concluded that the cumulative impacts of this alternative would be greater than that for the proposed trail.

The report briefly addressed the impacts of the two alternatives on threatened and endangered species, floodplain/wetlands, wilderness, areas of critical environmental concern, visual resources, water quality and quantity, cultural, historical, and paleontological resources, air quality, unique resources, wild and scenic rivers, and prime or unique farmland.
BLM determined that there was negligible impact upon most of these values. BLM did indicate, however, that, although the proposed trail would have no impact on wilderness values, Alternative A would lower those values. Similarly, BLM concluded that visual impacts would result from the tram or trail construction outlined in Alternative A, but that the proposed trail would initially have little visual impact although a visible trail would eventually develop after continued use. BLM also noted that Alternative A had the greater potential for affecting cultural, historical, and paleontological resources because of the surface-disturbing construction. Finally, BLM determined that the proposed right-of-way would have little or no effect on the long-term productivity of the area and would cause no irreversible and irretrievable commitment of resources.

BLM next analyzed the mitigating measures that had been proposed by Logan and determined that these restrictions would reduce or avoid some or all of the adverse impacts discussed above. BLM concluded that the most noticeable residual impact would be that the trail would become visible over a period of time.

The land report also contained a section entitled "Decision Factors." After noting that the land in this area is public land, BLM continued:

> The current and projected land use of the north Slana block is primarily rural residences and subsistence use. The population density will remain low and stable; possibly decreasing over the long run. This area is one of two blocks of land opened to settlement in 1983. People came here looking for an alternative life style and for a variety of other reasons. The strong have survived. A few operate small businesses.
>
> [BLM] land use planning in this area consists only of a general commitment to provide rights-of-way as needed. No State of Alaska land use planning exists.
>
> Adjoining the north Slana block on the west, north and east are native corporation (AHTNA Regional Corporation) selected and conveyed lands. To the south are lands within the Wrangell-St. Elias National Park.
>
> Presently there is no legal road or trail access into the north Slana block. Actual physical access is by foot, 3-wheeler,

> or snowmachine heretofore allowed by BLM on a "casual use" basis. However, several trails have been established indiscriminately
> by local traffic to and through the various settlement claims.
> In winter, access is also partially on the frozen column of the Suslositna Creek.
>
> Several individuals have given their support to the proposed action in the form of letters of nonobjection. One individual [Brown] did, however, withdraw his letter of nonobjection on the grounds that he didn't want a right-of-way through his claim and that there wasn't a demonstrated need for a right-of-way on the hillside. That individual claimed alternative access could be achieved by using the frozen water column of the Suslositna Creek to the general area. [Logan] responded by filing an amended description of the proposed alignment to avoid that claim.

(Land Report at 4-5).

The land report recommended that the proposed access trail right-of- way, as amended by the subsequently proposed restrictions, be granted for a term of 50 years, subject to BLM's standard stipulations and the payment of fair market rental. The stated rationale for this recommendation included findings that the proposed use would have very little impact on the environment; that other affected claimants or owners had given written statements that they had no objection; that the proposed trail did not conflict with any land-use plan; and that there was little or no controversy surrounding the proposal. 2/

By letter dated September 15, 1987, Brown protested issuance of the proposed right-of-way to Logan (and any other right-of-way in the area). 3/ His assertion of standing to protest the action was that the proposed trail would seriously diminish local and adjacent property and business values. Brown prefaced his specific comments by noting that he considered access
to be an important issue that must be addressed by formulating an overall access plan which should be developed after participation by all interested parties. He insisted that BLM must develop such a plan to prevent the proliferation of access trails, provide maximum benefit to the users, prevent degradation of the environment, prevent arbitrary reduction in property
and business values, and consider local use and tradition before granting

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2/ The record also contains a Sept. 8, 1987, report of an examination
for cultural resources. No cultural resources were discovered, and BLM recommended that the site be considered "cleared" of cultural resource concerns.

3/ Brown filed a protest individually and as president of the Mountain Front Community Association, Inc., an association of landowners and claimants in the Suslositna Creek watershed. The protest refers to an attached association resolution, but there is no copy of a resolution in the record. Brown's wife was also named as a protesting party.

any individual access right-of-way. He contended that BLM's consideration of the Logan proposal failed to consider environmental issues, visual resources, audio resources, water quality, subsistence, local lifestyles, property values, business values, scenic resources, and the preservation of wilderness values. Brown also objected to BLM's failure to obtain input from interested individuals.

Brown asserted that the environment would be seriously and irreversibly damaged by the proposed trail. He contended that there would be significant visual and audio impacts from the trail and that ATV use would result in ground cover and soil damage. He argued that run off from the trail would pollute the streams and eventually contaminate the Suslositna Creek, a source of potable water. Brown alleged that the proposed route, traversing public land adjacent to his successful wilderness hostel business, would adversely impact his business, increase hunting pressure on the wildlife resources in the area, and endanger the health, safety, and comfort of the hostel guests and local residents.

Brown generally questioned the need for the right-of-way if no surface-disturbing activities were planned. He contended that Logan's use did not differ from that of other local residents who had not sought rights-of-way, and asserted that BLM had classified these activities as casual use with minimal impact. He further identified what he perceived to be flaws in both Logan's application and the way BLM had processed the application. Brown denied BLM's assumption that no controversy surrounded the project, and asserted that there was no BLM land-use plan for the area. He postulated that even if the proposed right-of-way did not conflict with a BLM land-use plan, it was his opinion that it conflicted with the uses envisioned by the local residents. Finally, Brown argued that Logan was seeking rights that he already had under casual use, and that BLM would not be denying access or diminishing his rights to conduct his usual business if it were to deny the right-of-way application.

Logan submitted a response to Brown's protest on September 18, 1987. He explained that BLM had informed the settlers in the north Slana block that no guaranteed access to their claims existed and had recommended that they work to obtain permission to cross private lands and seek rights-of-way pursuant to section 501 of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. § 1761 (1982). Logan stated that he had discussed the proposed route with affected landowners and BLM, and applied for a right-of-way and diligently followed FLPMA procedures.

Logan contended that, from a purely practical standpoint, access for hauling supplies over snow was preferable to summer access, as well as being the most environmentally sound access by reason of the reduced environmental impact of travel over snow. He indicated that his proposed use of the right-of-way would also eliminate motor noise for more than half of the year (including the months that provide 90 percent of Brown's hostel business), and would be a benefit to the hostlers, who could use the trail for snow-shoeing and cross-country skiing in the winter and for bicycle and foot

travel in the summer. Logan noted that the use restrictions were consistent with those regularly used by the U.S. Fish and Wildlife Service,
the Alaska State Parks, and the National Park Service to protect resource values. He concluded that the impacts of his proposed trail were minor, Brown's protest should be denied, and the right-of-way should be granted. 4/

On August 19, 1988, the District Manager issued a finding of no significant impact (FONSI) and a decision on the proposed action. After reviewing the environmental assessment contained in the land report, he determined that if the approved mitigation measures were adopted, the proposed trail would not have a significant effect on the human environment, and no environmental impact statement pursuant to section 102(C)of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. § 4332(C) (1982), would
be required. He also found that the action would not result in a significant restriction of subsistence uses and needs under section 810 of ANILCA. Based on his review of the analysis of the proposed action and alternatives contained in the land report, he accepted the report recommendations as BLM's decision.

By decision dated August 22, 1988, the District Manager dismissed Brown's protest, and transmitted the right-of-way grant to Logan for signature. Responding to the issues raised in Brown's protest, he stated
that BLM had worked closely with all interested parties, incorporating
their concerns and comments to the fullest extent practicable. He noted that Logan had submitted letters from claimants or landowners holding land that would be crossed by the proposed trail, and they had stated that they did not object to the proposed action. He also noted that BLM had held general meetings concerning access in the Slana settlement area, and that BLM had visited Brown, investigated the access, and examined alternative access routes Brown had suggested.

The District Manager addressed Brown's concern that the right-of-way would diminish business and property values, noting that BLM had considered the economic effects of the right-of-way. He stated that because the area had been formally opened for settlement, it was necessary for individuals to have legal access, in order to perfect their claims and protect their investments. He informed Brown that there were no Federal regulations imposing a requirement that applicant's legitimate use be compatible with another's, and reminded Brown that the land use was not regulated by the State of Alaska. He also indicated that if the land was a wilderness, as Brown suggested, it would not have been opened for settlement.

The District Manager explained that the location of the proposed trail was the most practical route available, and that the alternative route suggested by Brown was found to be completely unsuitable due to steep grades and the dangerous and unreliable frozen stream. He noted that, although there was an existing land trail along the stream, Brown had restricted

4/ The record also contains a letter from a third party, Stephen E. Barnes, supporting Logan's right-of-way application.

access to that trail at the point where it crossed his claim. According to BLM, Logan's route avoided Brown's claims, and would not significantly increase traffic in the area, because it led only to Logan's claim. The District Manager recognized that there would be some tree removal, but he concluded that any increased impact to visual and audio resources would be slight and mitigated by the stipulations.

The District Manager reiterated his finding that all appropriate environmental factors had been considered, and that his NEPA review led to the conclusion that the proposed action and mitigation measures would not significantly affect the environment. He also referred to the report in the record documenting compliance with section 810 of ANILCA and to the cultural resources examination which cleared the area of any cultural resource concerns. In conclusion, he stated:

> [BLM] has complied with all the regulatory requirements in processing Mr. Logan's right-of-way application. It appears that Mr. Brown believes that Mr. Logan will be unable to operate within the restrictions of the proposed right-of-way. While we may not have come to the conclusions that Mr. Brown would have [personally] preferred, [h]e has not presented any legitimate issues that we have not properly considered, nor has he presented any specific evidence or information to suggest that we have reached an erroneous conclusion.

(Decision at 3). Accordingly, he dismissed the protest.

In his statement of reasons (SOR), Brown attacks numerous aspects of BLM's decisionmaking process and the ultimate decision. He repeats his arguments that BLM failed to consider various issues or concerns and that he is adversely affected by the right-of-way approval. 5/ He contends that BLM improperly denied his protest; improperly processed the application; and failed to comply with NEPA, the BLM Manual, and appropriate regulations. He asserts that BLM must consider all available information when weighing various land uses, and that it failed to adequately review or document all the relevant factors.

Brown suggests that BLM should have undertaken a comprehensive planning effort designed to provide access throughout the settlement area before rendering a decision on Logan's application. He reiterates his prior position that Logan does not need a right-of-way because his use is casual, and contends that BLM's decision dismissing his protest is vague, erroneous, improper, and does not reflect a reasoned analysis with due regard to the environment and the public interest because it approved the grant without proper planning and consultation with appropriate State agencies, State

5/ BLM challenged Brown's standing to bring this appeal. We find a sufficient allegation of a legally recognizable interest which could be adversely affected by the BLM decision. See Scott Burnham, 100 IBLA 94, 119-20, 94 I.D. 429, 443 (1987); 43 CFR 4.410(a).

laws, and local residents. Brown further questions Logan's financial and technical ability to comply with the grant's terms and conditions, including the mitigation stipulations.

Brown alleges numerous specific deficiencies in the grant itself, ranging from small technical matters to broad policy questions. For example, he challenges various procedures used when processing the application (including the amount of the application fee paid by Logan); the process used to determine the fair market rental; BLM's failure to demand advance rental for 5 years; mapping used to identify the right-of-way; and BLM's failure to require a performance bond. He contends that BLM failed to adequately address visual impacts over the life of the grant and did not comply with section 8440 of the Manual outlining visual resources management. He argues that the land report does not comply with section 2063 of the Manual, and questions BLM's failure to require bridges over the two streams. He asserts that BLM did not consider all available route or design alternatives, and repeats that BLM must develop a transportation plan to prevent the proliferation of rights-of-way. Brown also alleges that the land report and record fail to adequately comply with NEPA requirements, and that the form used to document compliance with section 810 of ANILCA is inadequate and unreliable.

In its answer, BLM contends that Logan is entitled to access to his settlement claims, pursuant to section 1323(b) of ANILCA, 16 U.S.C. § 3210(b) (1982), which requires the Secretary to provide adequate access to non-Federally owned land surrounded by public lands via FLPMA rights- of-way or other authorized uses. BLM also argues that its decision was based on a reasoned analysis of relevant factors, and made with due regard for the public interest. BLM asserts that there is a public interest in having legally required access routes under FLPMA for the settlers in the area opened in 1983, and contends that the letters from other settlers demonstrate public support for the project. BLM further notes that the decision was based on several documents including the land report and environmental assessment, the report discussing compliance with section 810 of ANILCA, and the cultural resources examination report, and that all of these reports were made a part of the record.

According to BLM, Brown advances inconsistent arguments on appeal. On the one hand, he contends that Logan's use is casual use, which by definition has minimal impacts on the environment, and, on the other, he asserts that BLM failed to adequately analyze all the potential adverse impacts. BLM insists that the environmental assessment in the land report identified and considered the relevant areas of environmental concern, made a convincing case that the proposed action, as mitigated, would have no significant effects on the human environment, and satisfied NEPA requirements. It argues that Brown simply disagrees with BLM's decision, and notes that mere differences of opinion provide no basis for reversal if BLM's decision is reasonable and supported by the record.

BLM responds to several of Brown's itemized allegations of deficiencies, contending that Logan paid the application fee required when the

application was filed; that Brown failed to show error in either the rental appraisal or the determination not to require advance rental for 5 years; and that the aerial photographs of the right-of-way route complied with the regulatory requirements. BLM cites specific sections of the land report addressing stream crossings, water quality, and visual resources to demonstrate that, contrary to Brown's allegations, BLM had analyzed those factors. BLM states that the decision should be affirmed.

[1] Section 501(a) of FLPMA, 43 U.S.C. § 1761(a) (1982), authorizes the Secretary of the Interior to grant rights-of-way over, upon, under,
or through public lands for roads, trails, or other means of transportation. Approval of rights-of-way is a matter of discretion. Ben J. Trexel, 113 IBLA 250, 253 (1990); Glenwood Mobile Radio Co., 106 IBLA 39, 41 (1988); Kenneth W. Bosley, 101 IBLA 52, 54 (1988); Edward J. Connolly, Jr., 94 IBLA 138, 146 (1986); High Summit Oil & Gas, Inc., 84 IBLA 359, 364-65, 92 I.D. 58, 61 (1985). This Board will ordinarily affirm a BLM decision approving or rejecting a right-of-way application when the record demonstrates that the decision is based on a reasoned analysis of the factors involved, made with due regard for the public interest, and no reason is shown to disturb BLM's decision. See, e.g., Robert M. Perry, 114 IBLA 252, 262 (1990); Ben J. Trexel, supra; Glenwood Mobile Radio Co., supra at 41-42; High Summit Oil & Gas, Inc., supra at 365-66, 92 I.D. at 61-62.

Brown contends that numerous issues were either not considered at
all or inadequately reviewed. Many of the issues presented by Brown have
no bearing on BLM's approval of Logan's right-of-way application, and the record supports the conclusion that BLM sufficiently analyzed all relevant factors. Brown has failed to convince us that BLM erred in concluding that a right-of-way was needed to assure Logan's access to his homesite, allowing transportation of supplies and equipment necessary to develop his claim. Brown has failed to show that BLM did not comply with the relevant sections of its Manual or applicable regulations. Brown's unsupported, conclusory allegations of error in BLM's decisionmaking process are convincingly rebutted by the evidence in the record demonstrating BLM's consideration
of the appropriate factors and the public interest.

Brown's challenges to the application fee, the adequacy of the maps showing the location of the right-of-way, BLM's fair market rental determinations, and BLM's failure to require a performance bond are clearly meritless. As BLM noted, Logan properly paid the application fee required at the time he submitted his application (see 43 CFR 2803.1-1(a)(3)(i) (1985)), and the aerial photographs he submitted fulfill the requirements of 43 CFR 2802.3(a)(3). A rental determination based on an appraisal will be affirmed unless the appellant can demonstrate error in the appraisal method or present convincing evidence that the rental amount is erroneous. See, e.g., Thomas L. Sawyer, 114 IBLA 135, 139-40 (1990). Brown admits that he cannot challenge the appraisal and that it was within BLM's discretion to determine whether an advance lump-sum rental payment is justified. Thus these arguments are frivolous. Similarly, BLM has discretion in determining whether a performance bond is necessary, and Brown's bald

assertions that Logan would be financially and technically unable to comply with the grant's terms and conditions are insufficient to preclude
BLM's reliance on statements in Logan's application that he is financially and technically capable of complying with the grant. See BLM Manual 2801.32.B.2.i (1989). Brown's attempts to undermine BLM's approval of the right-of-way by challenging the adequacy of the environmental assessment and resulting FONSI are equally unpersuasive.

[2] On numerous occasions this Board has held that a FONSI will be affirmed if the record supports a finding that all relevant areas of environmental concern have been identified and carefully reviewed, and that the final determination that no significant effects will occur is reasonable
in light of the environmental analysis. See, e.g., G. Jon & Katherine M. Roush, 112 IBLA 293, 297 (1990); Hoosier Environmental Council, 109 IBLA 160, 172-73; Glacier-Two Medicine Alliance, 88 IBLA 133, 141 (1985); Utah Wilderness Association, 80 IBLA 64, 78, 91 I.D. 165, 174 (1984). A party challenging a FONSI determination must show that it was premised on a clear error of law or demonstrable error of fact, or that the analysis failed to consider a substantial environmental question of material significance to the proposed action. Hoosier Environmental Council, supra at 173; United States v. Husman, 81 IBLA 271, 273-74 (1984). The ultimate burden of proof is on the challenging party. G. Jon & Katherine M. Roush, supra at 298;
In re Blackeye Again Timber Sale, 98 IBLA 108, 110 (1987). Such burden must be established by objective proof. G. Jon & Katherine M. Roush, supra. Mere expressions of a difference of opinion provide no basis for reversal. Id; Glacier-Two Medicine Alliance, supra at 144. See Cady v. Morton, 527 F.2d 786, 796 (9th Cir. 1975).

The record now before us clearly indicates that BLM carefully reviewed the environmental impact of granting the proposed right-of-way, including the impacts on visual resources and water quality. BLM determined that when mitigated by the stipulations made a part of the right-of-way grant document, those impacts would be insignificant. Brown has not demonstrated that these conclusions are erroneous. Brown presents general, conclusory assertions that BLM's environmental analysis is inadequate, but provides no basis in fact to support his allegations. Therefore his allegations are insufficient to undermine that analysis. See, e.g., Hoosier Environmental Council, supra at 168; In re Lick Gulch Timber Sale, 72 IBLA 261, 311-13, 90 I.D. 189, 217-18 (1983). Similarly, on appeal, Brown does not identify any specific alternative BLM refused to consider, and the record demonstrates that BLM examined and reasonably rejected the alternative suggested by Brown. Therefore, Brown's contention that BLM neglected to consider all possible alternative routes for the trail also fails. In short, Brown has stated a number of reasons for his inability to agree with BLM's decision
to approve the right-of-way. However, he has failed to meet his burden of demonstrating that BLM's environmental analysis is flawed. The environmental assessment contained in the land report adequately supports BLM's FONSI and its decision to approve Logan's right-of-way.

To the extent not specifically addressed herein, Brown's arguments have been considered and rejected.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

R. W. Mullen
Administrative Judge

I concur:

Franklin D. Arness
Administrative Judge